

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1402
96TH GENERAL ASSEMBLY

Reported from the Committee on Transportation, May 1, 2012, with recommendation that the Senate Committee Substitute do pass.

4948S.07C

TERRY L. SPIELER, Secretary.

AN ACT

To repeal sections 21.795, 70.441, 301.559, 302.341, 302.700, 304.120, 387.040, 387.050, 387.080, 387.110, 387.207, 390.051, 390.061, 390.116, and 390.280, RSMo, and to enact in lieu thereof twenty-one new sections relating to transportation, with penalty provisions and an effective date for certain sections.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 21.795, 70.441, 301.559, 302.341, 302.700, 304.120, 387.040, 387.050, 387.080, 387.110, 387.207, 390.051, 390.061, 390.116, and 390.280, RSMo, are repealed and twenty-one new sections enacted in lieu thereof, to be known as sections 21.795, 70.441, 301.559, 302.341, 302.700, 302.768, 304.120, 387.040, 387.050, 387.080, 387.110, 387.137, 387.139, 387.207, 387.355, 390.051, 390.054, 390.061, 390.116, 390.280, and 537.292, to read as follows:

21.795. 1. There is established a permanent joint committee of the general assembly to be known as the "Joint Committee on Transportation Oversight" to be composed of seven members of the standing transportation committees of both the senate and the house of representatives and three nonvoting ex officio members. Of the fourteen members to be appointed to the joint committee, the seven senate members of the joint committee shall be appointed by the president pro tem of the senate and minority leader of the senate and the seven house members shall be appointed by the speaker of the house of representatives and the minority floor leader of the house of representatives. **The seven senate members shall be composed, as nearly**

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

11 as may be, of majority and minority party members in the same
12 proportion as the number of majority and minority party members in
13 the senate bears to the total membership of the senate. No major party
14 shall be represented by more than four members from the house of
15 representatives [nor more than four members from the senate]. The ex officio
16 members shall be the state auditor, the director of the oversight division of the
17 committee on legislative research, and the commissioner of the office of
18 administration or the designee of such auditor, director or commissioner. The
19 joint committee shall be chaired jointly by both chairs of the senate and house
20 transportation committees. A majority of the committee shall constitute a
21 quorum, but the concurrence of a majority of the members, other than the ex
22 officio members, shall be required for the determination of any matter within the
23 committee's duties.

24 2. The department of transportation shall submit a written report prior
25 to [November tenth] **December thirty-first** of each year to the governor[, and
26 the lieutenant governor[, and every member of the senate and house of
27 representatives]. The report shall be posted to the department's Internet website
28 so that general assembly members may elect to access a copy of the report
29 electronically. The written report shall contain the following:

30 (1) A comprehensive financial report of all funds for the preceding state
31 fiscal year which shall include a report by independent certified public
32 accountants, selected by the commissioner of the office of administration,
33 attesting that the financial statements present fairly the financial position of the
34 department in conformity with generally accepted government accounting
35 principles. This report shall include amounts of:

36 (a) State revenues by sources, including all new state revenue derived
37 from highway users which results from action of the general assembly or
38 voter-approved measures taken after August 28, 2003, and projects funded in
39 whole or in part from such new state revenue, and amounts of federal revenues
40 by source;

41 (b) Any other revenues available to the department by source;

42 (c) Funds appropriated, the amount the department has budgeted and
43 expended for the following: contracts, right-of-way purchases, preliminary and
44 construction engineering, maintenance operations and administration;

45 (d) Total state and federal revenue compared to the revenue estimate in
46 the fifteen-year highway plan as adopted in 1992. All expenditures made by, or

47 on behalf of, the department for personal services including fringe benefits, all
48 categories of expense and equipment, real estate and capital improvements shall
49 be assigned to the categories listed in this subdivision in conformity with
50 generally accepted government accounting principles;

51 (2) A detailed explanation of the methods or criteria employed to select
52 construction projects, including a listing of any new or reprioritized projects not
53 mentioned in a previous report, and an explanation as to how the new or
54 reprioritized projects meet the selection methods or criteria;

55 (3) The proposed allocation and expenditure of moneys and the proposed
56 work plan for the current fiscal year, at least the next four years, and for any
57 period of time expressed in any public transportation plan approved by either the
58 general assembly or by the voters of Missouri. This proposed allocation and
59 expenditure of moneys shall include the amounts of proposed allocation and
60 expenditure of moneys in each of the categories listed in subdivision (1) of this
61 subsection;

62 (4) The amounts which were planned, estimated and expended for projects
63 in the state highway and bridge construction program or any other projects
64 relating to other modes of transportation in the preceding state fiscal year and
65 amounts which have been planned, estimated or expended by project for
66 construction work in progress;

67 (5) The current status as to completion, by project, of the fifteen-year road
68 and bridge program adopted in 1992. The first written report submitted pursuant
69 to this section shall include the original cost estimate, updated estimate and final
70 completed cost by project. Each written report submitted thereafter shall include
71 the cost estimate at the time the project was placed on the most recent five-year
72 highway and bridge construction plan and the final completed cost by project;

73 (6) The reasons for cost increases or decreases exceeding five million
74 dollars or ten percent relative to cost estimates and final completed costs for
75 projects in the state highway and bridge construction program or any other
76 projects relating to other modes of transportation completed in the preceding
77 state fiscal year. Cost increases or decreases shall be determined by comparing
78 the cost estimate at the time the project was placed on the most recent five-year
79 highway and bridge construction plan and the final completed cost by
80 project. The reasons shall include the amounts resulting from inflation,
81 department-wide design changes, changes in project scope, federal mandates, or
82 other factors;

83 (7) Specific recommendations for any statutory or regulatory changes
84 necessary for the efficient and effective operation of the department;

85 (8) An accounting of the total amount of state, federal and earmarked
86 federal highway funds expended in each district of the department of
87 transportation; and

88 (9) Any further information specifically requested by the joint committee
89 on transportation oversight.

90 3. Prior to [December first] **February fifteenth** of each year, the
91 committee shall hold an annual meeting and call before its members, officials or
92 employees of the state highways and transportation commission or department
93 of transportation, as determined by the committee, for the sole purpose of
94 receiving and examining the report required pursuant to subsection 2 of this
95 section. The committee shall not have the power to modify projects or priorities
96 of the state highways and transportation commission or department of
97 transportation. The committee may make recommendations to the state highways
98 and transportation commission or the department of transportation. Disposition
99 of those recommendations shall be reported by the commission or the department
100 to the joint committee on transportation oversight.

101 4. In addition to the annual meeting required by subsection 3 of this
102 section, the committee shall meet two times each year. The co-chairs of the
103 committee shall establish an agenda for each meeting that may include, but not
104 be limited to, the following items to be discussed with the committee members
105 throughout the year during the scheduled meeting:

106 (1) Presentation of a prioritized plan for all modes of transportation;

107 (2) Discussion of department efficiencies and expenditure of cost-savings
108 within the department;

109 (3) Presentation of a status report on department of transportation
110 revenues and expenditures, including a detailed summary of projects funded by
111 new state revenue as provided in paragraph (a) of subdivision (1) of subsection
112 2 of this section; and

113 (4) Implementation of any actions as may be deemed necessary by the
114 committee as authorized by law. The co-chairs of the committee may call special
115 meetings of the committee with ten days' notice to the members of the committee,
116 the director of the department of transportation, and the department of
117 transportation.

118 5. The committee shall also review all applications for the development

119 of specialty plates submitted to it by the department of revenue. The committee
120 shall approve such application by a majority vote. The committee shall approve
121 any application unless the committee receives:

122 (1) A signed petition from five house members or two senators that they
123 are opposed to the approval of the proposed license plate and the reason for such
124 opposition;

125 (2) Notification that the organization seeking authorization to establish
126 a new specialty license plate has not met all the requirements of section
127 301.3150;

128 (3) A proposed new specialty license plate containing objectionable
129 language or design;

130 (4) A proposed license plate not meeting the requirements of any reason
131 promulgated by rule. The committee shall notify the director of the department
132 of revenue upon approval or denial of an application for the development of a
133 specialty plate.

134 6. The committee shall submit records of its meetings to the secretary of
135 the senate and the chief clerk of the house of representatives in accordance with
136 sections 610.020 and 610.023.

70.441. 1. As used in this section, the following terms have the following
2 meanings:

3 (1) "Agency", the bi-state development agency created by compact under
4 section 70.370;

5 (2) "Conveyance" includes bus, paratransit vehicle, rapid transit car or
6 train, locomotive, or other vehicle used or held for use by the agency as a means
7 of transportation of passengers;

8 (3) "Facilities" includes all property and equipment, including, without
9 limitation, rights-of-way and related trackage, rails, signals, power, fuel,
10 communication and ventilation systems, power plants, stations, terminals,
11 signage, storage yards, depots, repair and maintenance shops, yards, offices,
12 parking lots and other real estate or personal property used or held for or
13 incidental to the operation, rehabilitation or improvement of any public mass
14 transportation system of the agency;

15 (4) "Person", any individual, firm, copartnership, corporation, association
16 or company; and

17 (5) "Sound production device" includes, but is not limited to, any radio
18 receiver, phonograph, television receiver, musical instrument, tape recorder,

19 cassette player, speaker device and any sound amplifier.

20 2. In interpreting or applying this section, the following provisions shall
21 apply:

22 (1) Any act otherwise prohibited by this section is lawful if specifically
23 authorized by agreement, permit, license or other writing duly signed by an
24 authorized officer of the agency or if performed by an officer, employee or
25 designated agent of the agency acting within the scope of his or her employment
26 or agency;

27 (2) Rules shall apply with equal force to any person assisting, aiding or
28 abetting another, including a minor, in any of the acts prohibited by the rules or
29 assisting, aiding or abetting another in the avoidance of any of the requirements
30 of the rules; and

31 (3) The singular shall mean and include the plural; the masculine gender
32 shall mean the feminine and the neuter genders; and vice versa.

33 3. (1) No person shall use or enter upon the light rail conveyances of the
34 agency without payment of the fare or other lawful charges established by the
35 agency. Any person on any such conveyance must have properly validated fare
36 media in his possession. This ticket must be valid to or from the station the
37 passenger is using, and must have been used for entry for the trip then being
38 taken;

39 (2) No person shall use any token, pass, badge, ticket, document, transfer,
40 card or fare media to gain entry to the facilities or conveyances of, or make use
41 of the services of, the agency, except as provided, authorized or sold by the agency
42 and in accordance with any restriction on the use thereof imposed by the agency;

43 (3) No person shall enter upon parking lots designated by the agency as
44 requiring payment to enter, either by electronic gate or parking meters, where the
45 cost of such parking fee is visibly displayed at each location, without payment of
46 such fees or other lawful charges established by the agency;

47 (4) Except for employees of the agency acting within the scope of their
48 employment, no person shall sell, provide, copy, reproduce or produce, or create
49 any version of any token, pass, badge, ticket, document, transfer, card or any
50 other fare media or otherwise authorize access to or use of the facilities,
51 conveyances or services of the agency without the written permission of an
52 authorized representative of the agency;

53 (5) No person shall put or attempt to put any paper, article, instrument
54 or item, other than a token, ticket, badge, coin, fare card, pass, transfer or other

55 access authorization or other fare media issued by the agency and valid for the
56 place, time and manner in which used, into any fare box, pass reader, ticket
57 vending machine, parking meter, parking gate or other fare collection instrument,
58 receptacle, device, machine or location;

59 (6) Tokens, tickets, fare cards, badges, passes, transfers or other fare
60 media that have been forged, counterfeited, imitated, altered or improperly
61 transferred or that have been used in a manner inconsistent with this section
62 shall be confiscated;

63 (7) No person may perform any act which would interfere with the
64 provision of transit service or obstruct the flow of traffic on facilities or
65 conveyances or which would in any way interfere or tend to interfere with the
66 safe and efficient operation of the facilities or conveyances of the agency;

67 (8) All persons on or in any facility or conveyance of the agency shall:

68 (a) Comply with all lawful orders and directives of any agency employee
69 acting within the scope of his employment;

70 (b) Obey any instructions on notices or signs duly posted on any agency
71 facility or conveyance; and

72 (c) Provide accurate, complete and true information or documents
73 requested by agency personnel acting within the scope of their employment and
74 otherwise in accordance with law;

75 (9) No person shall falsely represent himself or herself as an agent,
76 employee or representative of the agency;

77 (10) No person on or in any facility or conveyance shall:

78 (a) Litter, dump garbage, liquids or other matter, or create a nuisance,
79 hazard or unsanitary condition, including, but not limited to, spitting and
80 urinating, except in facilities provided;

81 (b) Drink any alcoholic beverage or possess any opened or unsealed
82 container of alcoholic beverage, except on premises duly licensed for the sale of
83 alcoholic beverages, such as bars and restaurants;

84 (c) Enter or remain in any facility or conveyance while his ability to
85 function safely in the environment of the agency transit system is impaired by the
86 consumption of alcohol or by the taking of any drug;

87 (d) Loiter or stay on any facility of the agency;

88 (e) Consume foods or liquids of any kind, except in those areas specifically
89 authorized by the agency;

90 (f) Smoke or carry an open flame or lighted match, cigar, cigarette, pipe

91 or torch, except in those areas or locations specifically authorized by the agency;
92 or

93 (g) Throw or cause to be propelled any stone, projectile or other article at,
94 from, upon or in a facility or conveyance;

95 (11) No weapon or other instrument intended for use as a weapon may be
96 carried in or on any facility or conveyance, except for law enforcement
97 personnel. For the purposes hereof, a weapon shall include, but not be limited
98 to, a firearm, switchblade knife, sword, or any instrument of any kind known as
99 blackjack, billy club, club, sandbag, metal knuckles, leather bands studded with
100 metal, wood impregnated with metal filings or razor blades; except that this
101 subdivision shall not apply to a rifle or shotgun which is unloaded and carried in
102 any enclosed case, box or other container which completely conceals the item from
103 view and identification as a weapon;

104 (12) No explosives, flammable liquids, acids, fireworks or other highly
105 combustible materials or radioactive materials may be carried on or in any
106 facility or conveyance, except as authorized by the agency;

107 (13) No person, except as specifically authorized by the agency, shall enter
108 or attempt to enter into any area not open to the public, including, but not
109 limited to, motorman's cabs, conductor's cabs, bus operator's seat location,
110 closed-off areas, mechanical or equipment rooms, concession stands, storage
111 areas, interior rooms, tracks, roadbeds, tunnels, plants, shops, barns, train yards,
112 garages, depots or any area marked with a sign restricting access or indicating
113 a dangerous environment;

114 (14) No person may ride on the roof, the platform between rapid transit
115 cars, or on any other area outside any rapid transit car or bus or other
116 conveyance operated by the agency;

117 (15) No person shall extend his hand, arm, leg, head or other part of his
118 or her person or extend any item, article or other substance outside of the window
119 or door of a moving rapid transit car, bus or other conveyance operated by the
120 agency;

121 (16) No person shall enter or leave a rapid transit car, bus or other
122 conveyance operated by the agency except through the entrances and exits
123 provided for that purpose;

124 (17) No animals may be taken on or into any conveyance or facility except
125 the following:

126 (a) An animal enclosed in a container, accompanied by the passenger and

127 carried in a manner which does not annoy other passengers; and

128 (b) Working dogs for law enforcement agencies, agency dogs on duty, dogs
129 properly harnessed and accompanying blind or hearing-impaired persons to aid
130 such persons, or dogs accompanying trainers carrying a certificate of
131 identification issued by a dog school;

132 (18) No vehicle shall be operated carelessly, or negligently, or in disregard
133 of the rights or safety of others or without due caution and circumspection, or at
134 a speed in such a manner as to be likely to endanger persons or property on
135 facilities of the agency. The speed limit on parking lots and access roads shall
136 be posted as fifteen miles per hour unless otherwise designated.

137 4. (1) Unless a greater penalty is otherwise provided by the laws of the
138 state, any violation of this section shall constitute a misdemeanor, and any
139 person committing a violation thereof shall be subject to arrest and, upon
140 conviction in a court of competent jurisdiction, shall pay a fine in an amount not
141 less than twenty-five dollars and no greater than two hundred fifty dollars per
142 violation, in addition to court costs. Any default in the payment of a fine imposed
143 pursuant to this section without good cause shall result in imprisonment for not
144 more than thirty days;

145 (2) Unless a greater penalty is provided by the laws of the state, any
146 person convicted a second or subsequent time for the same offense under this
147 section shall be guilty of a misdemeanor and sentenced to pay a fine of not less
148 than fifty dollars nor more than five hundred dollars in addition to court costs,
149 or to undergo imprisonment for up to sixty days, or both such fine and
150 imprisonment;

151 (3) Any person failing to pay the proper fare, fee or other charge for use
152 of the facilities and conveyances of the agency shall be subject to payment of such
153 charge as part of the judgment against the violator. All proceeds from judgments
154 for unpaid fares or charges shall be directed to the appropriate agency official;

155 (4) All juvenile offenders violating the provisions of this section shall be
156 subject to the jurisdiction of the juvenile court as provided in chapter 211;

157 (5) As used in this section, the term "conviction" shall include all pleas of
158 guilty and findings of guilt.

159 5. **Any person who is convicted, pleads guilty, or pleads nolo**
160 **contendere for failing to pay the proper fare, fee, or other charge for**
161 **the use of the facilities and conveyances of the bi-state development**
162 **agency, as described in subdivision (3) of subsection 4 of this section,**

163 shall, in addition to the unpaid fares or charges and any fines,
164 penalties, or sentences imposed by law, be required to reimburse the
165 reasonable costs attributable to the enforcement, investigation, and
166 prosecution of such offense by the bi-state development agency. The
167 court shall direct the reimbursement proceeds to the appropriate
168 agency official.

169 6. (1) Stalled or disabled vehicles may be removed from the roadways of
170 the agency property by the agency and parked or stored elsewhere at the risk and
171 expense of the owner;

172 (2) Motor vehicles which are left unattended or abandoned on the property
173 of the agency for a period of over seventy-two hours may be removed as provided
174 for in section 304.155, except that the removal may be authorized by personnel
175 designated by the agency under section 70.378.

301.559. 1. It shall be unlawful for any person to engage in business as
2 or act as a motor vehicle dealer, boat dealer, manufacturer, boat manufacturer,
3 public motor vehicle auction, wholesale motor vehicle auction or wholesale motor
4 vehicle dealer without first obtaining a license from the department as required
5 in sections 301.550 to 301.573. Any person who maintains or operates any
6 business wherein a license is required pursuant to the provisions of sections
7 301.550 to 301.573, without such license, is guilty of a class A misdemeanor. Any
8 person committing a second violation of sections 301.550 to 301.573 shall be
9 guilty of a class D felony.

10 2. All dealer licenses shall expire on December thirty-first of [each year]
11 **the designated license period.** The department shall notify each person
12 licensed under sections 301.550 to 301.573 of the date of license expiration and
13 the amount of the fee required for renewal. The notice shall be mailed at least
14 ninety days before the date of license expiration to the licensee's last known
15 business address. **The director shall have the authority to issue licenses**
16 **valid for a period of up to two years and to stagger the license periods**
17 **for administrative efficiency and equalization of workload, at the sole**
18 **discretion of the director.**

19 3. Every manufacturer, boat manufacturer, motor vehicle dealer,
20 wholesale motor vehicle dealer, wholesale motor vehicle auction, boat dealer or
21 public motor vehicle auction shall make application to the department for
22 issuance of a license. The application shall be on forms prescribed by the
23 department and shall be issued under the terms and provisions of sections

24 301.550 to 301.573 and require all applicants, as a condition precedent to the
25 issuance of a license, to provide such information as the department may deem
26 necessary to determine that the applicant is bona fide and of good moral
27 character, except that every application for a license shall contain, in addition to
28 such information as the department may require, a statement to the following
29 facts:

30 (1) The name and business address, not a post office box, of the applicant
31 and the fictitious name, if any, under which he intends to conduct his business;
32 and if the applicant be a partnership, the name and residence address of each
33 partner, an indication of whether the partner is a limited or general partner and
34 the name under which the partnership business is to be conducted. In the event
35 that the applicant is a corporation, the application shall list the names of the
36 principal officers of the corporation and the state in which it is
37 incorporated. Each application shall be verified by the oath or affirmation of the
38 applicant, if an individual, or in the event an applicant is a partnership or
39 corporation, then by a partner or officer;

40 (2) Whether the application is being made for registration as a
41 manufacturer, boat manufacturer, new motor vehicle franchise dealer, used motor
42 vehicle dealer, wholesale motor vehicle dealer, boat dealer, wholesale motor
43 vehicle auction or a public motor vehicle auction;

44 (3) When the application is for a new motor vehicle franchise dealer, the
45 application shall be accompanied by a copy of the franchise agreement in the
46 registered name of the dealership setting out the appointment of the applicant as
47 a franchise holder and it shall be signed by the manufacturer, or his authorized
48 agent, or the distributor, or his authorized agent, and shall include a description
49 of the make of all motor vehicles covered by the franchise. The department shall
50 not require a copy of the franchise agreement to be submitted with each renewal
51 application unless the applicant is now the holder of a franchise from a different
52 manufacturer or distributor from that previously filed, or unless a new term of
53 agreement has been entered into;

54 (4) When the application is for a public motor vehicle auction, that the
55 public motor vehicle auction has met the requirements of section 301.561.

56 4. No insurance company, finance company, credit union, savings and loan
57 association, bank or trust company shall be required to obtain a license from the
58 department in order to sell any motor vehicle, trailer or vessel repossessed or
59 purchased by the company on the basis of total destruction or theft thereof when

60 the sale of the motor vehicle, trailer or vessel is in conformance with applicable
61 title and registration laws of this state.

62 5. No person shall be issued a license to conduct a public motor vehicle
63 auction or wholesale motor vehicle auction if such person has a violation of
64 sections 301.550 to 301.573 or other violations of chapter 301, sections 407.511
65 to 407.556, or section 578.120 which resulted in a felony conviction or finding of
66 guilt or a violation of any federal motor vehicle laws which resulted in a felony
67 conviction or finding of guilt.

302.341. 1. If a Missouri resident charged with a moving traffic violation
2 of this state or any county or municipality of this state fails to dispose of the
3 charges of which the resident is accused through authorized prepayment of fine
4 and court costs and fails to appear on the return date or at any subsequent date
5 to which the case has been continued, or without good cause fails to pay any fine
6 or court costs assessed against the resident for any such violation within the
7 period of time specified or in such installments as approved by the court or as
8 otherwise provided by law, any court having jurisdiction over the charges shall
9 within ten days of the failure to comply inform the defendant by ordinary mail
10 at the last address shown on the court records that the court will order the
11 director of revenue to suspend the defendant's driving privileges if the charges
12 are not disposed of and fully paid within thirty days from the date of
13 mailing. Thereafter, if the defendant fails to timely act to dispose of the charges
14 and fully pay any applicable fines and court costs, the court shall notify the
15 director of revenue of such failure and of the pending charges against the
16 defendant. Upon receipt of this notification, the director shall suspend the
17 license of the driver, effective immediately, and provide notice of the suspension
18 to the driver at the last address for the driver shown on the records of the
19 department of revenue. Such suspension shall remain in effect until the court
20 with the subject pending charge requests setting aside the noncompliance
21 suspension pending final disposition, or satisfactory evidence of disposition of
22 pending charges and payment of fine and court costs, if applicable, is furnished
23 to the director by the individual. Upon proof of disposition of charges and
24 payment of fine and court costs, if applicable, and payment of the reinstatement
25 fee as set forth in section 302.304, the director shall return the license and
26 remove the suspension from the individual's driving record **if the individual**
27 **was not operating a commercial motor vehicle or a commercial driver's**
28 **license holder at the time of the offense.** The filing of financial

29 responsibility with the bureau of safety responsibility, department of revenue,
30 shall not be required as a condition of reinstatement of a driver's license
31 suspended solely under the provisions of this section.

32 2. If any city, town or village receives more than thirty-five percent of its
33 annual general operating revenue from fines and court costs for traffic violations
34 occurring on state highways, all revenues from such violations in excess of
35 thirty-five percent of the annual general operating revenue of the city, town or
36 village shall be sent to the director of the department of revenue and shall be
37 distributed annually to the schools of the county in the same manner that
38 proceeds of all penalties, forfeitures and fines collected for any breach of the
39 penal laws of the state are distributed. For the purpose of this section the words
40 "state highways" shall mean any state or federal highway, including any such
41 highway continuing through the boundaries of a city, town or village with a
42 designated street name other than the state highway number. The director of the
43 department of revenue shall set forth by rule a procedure whereby excess
44 revenues as set forth above shall be sent to the department of revenue. If any
45 city, town, or village disputes a determination that it has received excess
46 revenues required to be sent to the department of revenue, such city, town, or
47 village may submit to an annual audit by the state auditor under the authority
48 of article IV, section 13 of the Missouri Constitution. Any rule or portion of a
49 rule, as that term is defined in section 536.010, that is created under the
50 authority delegated in this section shall become effective only if it complies with
51 and is subject to all of the provisions of chapter 536 and, if applicable, section
52 536.028. This section and chapter 536 are nonseverable and if any of the powers
53 vested with the general assembly under chapter 536 to review, to delay the
54 effective date, or to disapprove and annul a rule are subsequently held
55 unconstitutional, then the grant of rulemaking authority and any rule proposed
56 or adopted after August 28, 2009, shall be invalid and void.

302.700. 1. Sections 302.700 to 302.780 may be cited as the "Uniform
2 Commercial Driver's License Act".

3 2. When used in sections 302.700 to 302.780, the following words and
4 phrases mean:

5 (1) "Alcohol", any substance containing any form of alcohol, including, but
6 not limited to, ethanol, methanol, propanol and isopropanol;

7 (2) "Alcohol concentration", the number of grams of alcohol per one
8 hundred milliliters of blood or the number of grams of alcohol per two hundred

9 ten liters of breath or the number of grams of alcohol per sixty-seven milliliters
10 of urine;

11 (3) **"CDLIS driver record", the electronic record of the individual**
12 **commercial driver's status and history stored by the state of record as**
13 **part of the Commercial Driver's License Information System (CDLIS)**
14 **established under 49 U.S.C. Section 31309, et seq.;**

15 (4) **"CDLIS motor vehicle record (CDLIS MVR)", a report**
16 **generated from the CDLIS driver record which meets the requirements**
17 **for access to CDLIS information and is provided by states to users**
18 **authorized in 49 CFR Part 384, subject to the provisions of the Driver**
19 **Privacy Protection Act, 18 U.S.C. Sections 2721 to 2725, et seq.;**

20 (5) **"Commercial driver's instruction permit", a permit issued pursuant to**
21 **section 302.720;**

22 [(4)] (6) **"Commercial driver's license", a license issued by this state to**
23 **an individual which authorizes the individual to operate a commercial motor**
24 **vehicle;**

25 [(5)] (7) **"Commercial driver's license downgrade", occurs when:**

26 (a) **A driver changes the self-certification to interstate, but**
27 **operates exclusively in transportation or operation excepted from 49**
28 **CFR Part 391, as provided in 49 CFR Part 390.3(f), 391.2, 391.68, or**
29 **398.3;**

30 (b) **A driver changes the self-certification to intrastate only, if**
31 **the driver qualifies under the state's physical qualification**
32 **requirements for intrastate only;**

33 (c) **A driver changes the self-certification to intrastate, but**
34 **operating exclusively in transportation or operations excepted from all**
35 **or part of the state driver qualification requirements; or**

36 (d) **The state removes the commercial driver's license privilege**
37 **from the driver's license;**

38 (8) **"Commercial driver's license information system", the information**
39 **system established pursuant to the Commercial Motor Vehicle Safety Act of 1986**
40 **(Title XII of Pub. Law 99-570) to serve as a clearinghouse for locating information**
41 **related to the licensing and identification of commercial motor vehicle drivers;**

42 [(6)] (9) **"Commercial motor vehicle", a motor vehicle designed or used to**
43 **transport passengers or property:**

44 (a) **If the vehicle has a gross combination weight rating of twenty-six**

45 thousand one or more pounds inclusive of a towed unit which has a gross vehicle
46 weight rating of ten thousand one pounds or more;

47 (b) If the vehicle has a gross vehicle weight rating of twenty-six thousand
48 one or more pounds or such lesser rating as determined by federal regulation;

49 (c) If the vehicle is designed to transport sixteen or more passengers,
50 including the driver; or

51 (d) If the vehicle is transporting hazardous materials and is required to
52 be placarded under the Hazardous Materials Transportation Act (46 U.S.C. 1801,
53 et seq.);

54 [(7)] (10) "Controlled substance", any substance so classified under
55 Section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)), and includes
56 all substances listed in schedules I through V of 21 CFR part 1308, as they may
57 be revised from time to time;

58 [(8)] (11) "Conviction", an unvacated adjudication of guilt, including
59 pleas of guilt and nolo contendere, or a determination that a person has violated
60 or failed to comply with the law in a court of original jurisdiction or an authorized
61 administrative proceeding, an unvacated forfeiture of bail or collateral deposited
62 to secure the person's appearance in court, the payment of a fine or court cost, or
63 violation of a condition of release without bail, regardless of whether the penalty
64 is rebated, suspended or prorated, including an offense for failure to appear or
65 pay;

66 [(9)] (12) "Director", the director of revenue or his authorized
67 representative;

68 [(10)] (13) "Disqualification", any of the following three actions:

69 (a) The suspension, revocation, or cancellation of a commercial driver's
70 license;

71 (b) Any withdrawal of a person's privileges to drive a commercial motor
72 vehicle by a state, **Canada, or Mexico** as the result of a violation of federal,
73 state, county, municipal, or local law relating to motor vehicle traffic control or
74 violations committed through the operation of motor vehicles, other than parking,
75 vehicle weight, or vehicle defect violations;

76 (c) A determination by the Federal Motor Carrier Safety Administration
77 that a person is not qualified to operate a commercial motor vehicle under 49
78 CFR Part 383.52 or Part 391;

79 [(11)] (14) "Drive", to drive, operate or be in physical control of a
80 commercial motor vehicle;

81 [(12)] **(15)** "Driver", any person who drives, operates, or is in physical
82 control of a motor vehicle, or who is required to hold a commercial driver's
83 license;

84 **(16) "Driver applicant", an individual who applies to obtain,**
85 **transfer, upgrade, or renew a commercial driver's license in this state;**

86 [(13)] **(17)** "Driving under the influence of alcohol", the commission of
87 any one or more of the following acts:

88 (a) Driving a commercial motor vehicle with the alcohol concentration of
89 four one-hundredths of a percent or more as prescribed by the secretary or such
90 other alcohol concentration as may be later determined by the secretary by
91 regulation;

92 (b) Driving a commercial or noncommercial motor vehicle while
93 intoxicated in violation of any federal or state law, or in violation of a county or
94 municipal ordinance;

95 (c) Driving a commercial or noncommercial motor vehicle with excessive
96 blood alcohol content in violation of any federal or state law, or in violation of a
97 county or municipal ordinance;

98 (d) Refusing to submit to a chemical test in violation of section 577.041,
99 section 302.750, any federal or state law, or a county or municipal ordinance; or

100 (e) Having any state, county or municipal alcohol-related enforcement
101 contact, as defined in subsection 3 of section 302.525; provided that any
102 suspension or revocation pursuant to section 302.505, committed in a
103 noncommercial motor vehicle by an individual twenty-one years of age or older
104 shall have been committed by the person with an alcohol concentration of at least
105 eight-hundredths of one percent or more, or in the case of an individual who is
106 less than twenty-one years of age, shall have been committed by the person with
107 an alcohol concentration of at least two-hundredths of one percent or more, and
108 if committed in a commercial motor vehicle, a concentration of four-hundredths
109 of one percent or more;

110 [(14)] **(18)** "Driving under the influence of a controlled substance", the
111 commission of any one or more of the following acts in a commercial or
112 noncommercial motor vehicle:

113 (a) Driving a commercial or noncommercial motor vehicle while under the
114 influence of any substance so classified under Section 102(6) of the Controlled
115 Substances Act (21 U.S.C. 802(6)), including any substance listed in schedules I
116 through V of 21 CFR Part 1308, as they may be revised from time to time;

117 (b) Driving a commercial or noncommercial motor vehicle while in a
118 drugged condition in violation of any federal or state law or in violation of a
119 county or municipal ordinance; or

120 (c) Refusing to submit to a chemical test in violation of section 577.041,
121 section 302.750, any federal or state law, or a county or municipal ordinance;

122 [(15)] **(19) "Employer", any person, including the United States, a state,**
123 **or a political subdivision of a state, who owns or leases a commercial motor**
124 **vehicle or assigns a driver to operate such a vehicle;**

125 **(20) "Endorsement", an authorization on an individual's**
126 **commercial driver's license permitting the individual to operate certain**
127 **types of commercial motor vehicles;**

128 [(16)] **(21) "Farm vehicle", a commercial motor vehicle controlled and**
129 **operated by a farmer used exclusively for the transportation of agricultural**
130 **products, farm machinery, farm supplies, or a combination of these, within one**
131 **hundred fifty miles of the farm, other than one which requires placarding for**
132 **hazardous materials as defined in this section, or used in the operation of a**
133 **common or contract motor carrier, except that a farm vehicle shall not be a**
134 **commercial motor vehicle when the total combined gross weight rating does not**
135 **exceed twenty-six thousand one pounds when transporting fertilizers as defined**
136 **in subdivision [(21)] (27) of this subsection;**

137 [(17)] **(22) "Fatality", the death of a person as a result of a motor vehicle**
138 **accident;**

139 [(18)] **(23) "Felony", any offense under state or federal law that is**
140 **punishable by death or imprisonment for a term exceeding one year;**

141 **(24) "Foreign", outside the fifty states of the United States and**
142 **the District of Columbia;**

143 [(19)] **(25) "Gross combination weight rating" or "GCWR", the value**
144 **specified by the manufacturer as the loaded weight of a combination (articulated)**
145 **vehicle.**

146 In the absence of a value specified by the manufacturer, GCWR will be
147 determined by adding the GVWR of the power unit and the total weight of the
148 towed unit and any load thereon;

149 [(20)] **(26) "Gross vehicle weight rating" or "GVWR", the value specified**
150 **by the manufacturer as the loaded weight of a single vehicle;**

151 [(21)] **(27) "Hazardous materials", any material that has been designated**
152 **as hazardous under 49 U.S.C. 5103 and is required to be placarded under subpart**

153 F of CFR Part 172 or any quantity of a material listed as a select agent or toxin
154 in 42 CFR Part 73. Fertilizers, including but not limited to ammonium nitrate,
155 phosphate, nitrogen, anhydrous ammonia, lime, potash, motor fuel or special fuel,
156 shall not be considered hazardous materials when transported by a farm vehicle
157 provided all other provisions of this definition are followed;

158 [(22)] **(28)** "Imminent hazard", the existence of a condition that presents
159 a substantial likelihood that death, serious illness, severe personal injury, or a
160 substantial endangerment to health, property, or the environment may occur
161 before the reasonably foreseeable completion date of a formal proceeding begins
162 to lessen the risk of that death, illness, injury, or endangerment;

163 [(23)] **(29)** "Issuance", the initial licensure, license transfers, license
164 renewals, and license upgrades;

165 **(30) "Medical examiner", a person who is licensed, certified, or**
166 **registered, in accordance with applicable state laws and regulations,**
167 **to perform physical examinations. The term includes, but is not limited**
168 **to, doctors of medicine, doctors of osteopathy, physician assistants,**
169 **advanced practice nurses, and doctors of chiropractic;**

170 **(31) "Medical variance", when a driver has received one of the**
171 **following that allows the driver to be issued a medical certificate:**

172 **(a) An exemption letter permitting operation of a commercial**
173 **motor vehicle under 49 CFR Part 381, Subpart C or 49 CFR Part 391.64;**

174 **(b) A skill performance evaluation certificate permitting**
175 **operation of a commercial motor vehicle under 49 CFR Part 391.49;**

176 [(24)] **(32)** "Motor vehicle", any self-propelled vehicle not operated
177 exclusively upon tracks;

178 [(25)] **(33)** "Noncommercial motor vehicle", a motor vehicle or
179 combination of motor vehicles not defined by the term "commercial motor vehicle"
180 in this section;

181 [(26)] **(34)** "Out of service", a temporary prohibition against the operation
182 of a commercial motor vehicle by a particular driver, or the operation of a
183 particular commercial motor vehicle, or the operation of a particular motor
184 carrier;

185 [(27)] **(35)** "Out-of-service order", a declaration by [the Federal Highway
186 Administration, or any] **an** authorized enforcement officer of a federal, state,
187 [Commonwealth of Puerto Rico,] Canadian, Mexican or any local jurisdiction, that
188 a driver, or a commercial motor vehicle, or a motor carrier operation, is out of

189 service **under 49 CFR Part 386.72, 392.5, 392.9a, 395.13, or 396.9, or**
190 **comparable laws, or the North American Standard Out-of-Service**
191 **Criteria;**

192 [(28)] **(36)** "School bus", a commercial motor vehicle used to transport
193 preprimary, primary, or secondary school students from home to school, from
194 school to home, or to and from school-sponsored events. School bus does not
195 include a bus used as a common carrier as defined by the Secretary;

196 [(29)] **(37)** "Secretary", the Secretary of Transportation of the United
197 States;

198 [(30)] **(38)** "Serious traffic violation", driving a commercial motor vehicle
199 in such a manner that the driver receives a conviction for the following offenses
200 or driving a noncommercial motor vehicle when the driver receives a conviction
201 for the following offenses and the conviction results in the suspension or
202 revocation of the driver's license or noncommercial motor vehicle driving
203 privilege:

204 (a) Excessive speeding, as defined by the Secretary by regulation;

205 (b) Careless, reckless or imprudent driving which includes, but shall not
206 be limited to, any violation of section 304.016, any violation of section 304.010,
207 or any other violation of federal or state law, or any county or municipal
208 ordinance while driving a commercial motor vehicle in a willful or wanton
209 disregard for the safety of persons or property, or improper or erratic traffic lane
210 changes, or following the vehicle ahead too closely, but shall not include careless
211 and imprudent driving by excessive speed;

212 (c) A violation of any federal or state law or county or municipal ordinance
213 regulating the operation of motor vehicles arising out of an accident or collision
214 which resulted in death to any person, other than a parking violation;

215 (d) Driving a commercial motor vehicle without obtaining a commercial
216 driver's license in violation of any federal or state or county or municipal
217 ordinance;

218 (e) Driving a commercial motor vehicle without a commercial driver's
219 license in the driver's possession in violation of any federal or state or county or
220 municipal ordinance. Any individual who provides proof to the court which has
221 jurisdiction over the issued citation that the individual held a valid commercial
222 driver's license on the date that the citation was issued shall not be guilty of this
223 offense;

224 (f) Driving a commercial motor vehicle without the proper commercial

225 driver's license class or endorsement for the specific vehicle group being operated
226 or for the passengers or type of cargo being transported in violation of any federal
227 or state law or county or municipal ordinance; or

228 (g) Any other violation of a federal or state law or county or municipal
229 ordinance regulating the operation of motor vehicles, other than a parking
230 violation, as prescribed by the secretary by regulation;

231 [(31)] (39) "State", a state[, territory or possession] of the United States[,
232 the District of Columbia, the Commonwealth of Puerto Rico, Mexico, and any
233 province of Canada];

234 [(32)] (40) "United States", the fifty states and the District of Columbia.

**302.768. 1. Any applicant for a commercial driver's license or
2 commercial driver's instruction permit shall comply with the Federal
3 Motor Carrier Safety Administration application requirements of 49
4 CFR Part 383.71 by certifying to one of the following applicable
5 statements relating to federal and state driver qualification rules:**

6 (1) **Nonexcepted interstate:** Certifies the applicant is a driver
7 operating or expecting to operate in interstate or foreign commerce, or
8 is otherwise subject to and meets requirements of 49 CFR Part 391 and
9 is required to obtain a medical examiner's certificate as defined in 49
10 CFR Part 391.45;

11 (2) **Excepted interstate:** Certifies the applicant is a driver
12 operating or expecting to operate entirely in interstate commerce that
13 is not subject to Part 391 and is subject to Missouri driver
14 qualifications and not required to obtain a medical examiner's
15 certificate;

16 (3) **Nonexcepted intrastate:** Certifies the applicant is a driver
17 operating only in intrastate commerce and is subject to Missouri driver
18 qualifications;

19 (4) **Excepted intrastate:** Certifies the applicant operates or
20 expects to operate only in intrastate commerce, and engaging only in
21 operations excepted from all parts of the Missouri driver qualification
22 requirements.

23 **2. Any applicant who cannot meet certification requirements**
24 **under one of the categories defined in subsection 1 of this section shall**
25 **be denied issuance of a commercial driver's license or commercial**
26 **driver's instruction permit.**

27 **3. An applicant certifying to operation in nonexcepted interstate**

28 or nonexcepted intrastate commerce shall provide the state with an
29 original or copy of a current medical examiners certificate or a medical
30 examiners certificate accompanied by a medical variance or
31 waiver. The state shall retain the original or copy of the
32 documentation of physical qualification for a minimum of three years
33 beyond the date the certificate was issued.

34 4. Applicants certifying to operation in nonexcepted interstate
35 commerce or nonexcepted intrastate commerce shall provide an
36 updated medical certificate or variance documents to maintain a
37 certified status during the term of the commercial driver's license or
38 commercial driver's instruction permit in order to retain commercial
39 privileges.

40 5. The director shall post the medical examiners certificate of
41 information, medical variance if applicable, the applicant's self-
42 certification and certification status to the Missouri driver record
43 within ten calendar days and such information will become part of the
44 CDLIS driver record.

45 6. Applicants certifying to operation in nonexcepted interstate
46 commerce or nonexcepted intrastate commerce who fail to provide or
47 maintain a current medical examiners certificate, or if the state has
48 received notice of a medical variance or waiver expiring or being
49 rescinded, the state shall, within ten calendar days, update the driver's
50 medical certification status to "not certified". The state shall notify the
51 driver of the change in certification status and require the driver to
52 annually comply with requirements for a commercial driver's license
53 downgrade within sixty days of the expiration of the applicant
54 certification.

55 7. The department of revenue may, by rule, establish the cost and
56 criteria for submission of updated medical certification status
57 information as required under this section.

58 8. Any person who falsifies any information in an application for
59 or update of medical certification status information for a commercial
60 driver's license shall not be licensed to operate a commercial motor
61 vehicle, or the person's commercial driver's license shall be canceled
62 for a period of one year after the director discovers such falsification.

63 9. The director may promulgate rules and regulations necessary
64 to administer and enforce this section. Any rule or portion of a rule,

65 as that term is defined in section 536.010, that is created under the
66 authority delegated in this section shall become effective only if it
67 complies with and is subject to all of the provisions of chapter 536 and,
68 if applicable, section 536.028. This section and chapter 536 are
69 nonseverable and if any of the powers vested with the general assembly
70 pursuant to chapter 536 to review, to delay the effective date, or to
71 disapprove and annul a rule are subsequently held unconstitutional,
72 then the grant of rulemaking authority and any rule proposed or
73 adopted after August 28, 2012, shall be invalid and void.

304.120. 1. Municipalities, by ordinance, may establish reasonable speed
2 regulations for motor vehicles within the limits of such municipalities. No person
3 who is not a resident of such municipality and who has not been within the limits
4 thereof for a continuous period of more than forty-eight hours, shall be convicted
5 of a violation of such ordinances, unless it is shown by competent evidence that
6 there was posted at the place where the boundary of such municipality joins or
7 crosses any highway a sign displaying in black letters not less than four inches
8 high and one inch wide on a white background the speed fixed by such
9 municipality so that such sign may be clearly seen by operators and drivers from
10 their vehicles upon entering such municipality.

11 2. Municipalities, by ordinance, may:

12 (1) Make additional rules of the road or traffic regulations to meet their
13 needs and traffic conditions;

14 (2) Establish one-way streets and provide for the regulation of vehicles
15 thereon;

16 (3) Require vehicles to stop before crossing certain designated streets and
17 boulevards;

18 (4) Limit the use of certain designated streets and boulevards to
19 passenger vehicles, **except that each municipality shall allow at least one**
20 **route, with lawful traffic movement and access from both directions, to**
21 **be available for use by commercial motor vehicles to access any roads**
22 **in the state highway system. Under no circumstances shall the**
23 **provisions of this subdivision be construed to authorize a municipality**
24 **to limit the use of all routes in the municipality;**

25 (5) Prohibit the use of certain designated streets to vehicles with metal
26 tires, or solid rubber tires;

27 (6) Regulate the parking of vehicles on streets by the installation of

28 parking meters for limiting the time of parking and exacting a fee therefor or by
29 the adoption of any other regulatory method that is reasonable and practical, and
30 prohibit or control left-hand turns of vehicles;

31 (7) Require the use of signaling devices on all motor vehicles; and

32 (8) Prohibit sound producing warning devices, except horns directed
33 forward.

34 3. No ordinance shall be valid which contains provisions contrary to or in
35 conflict with this chapter, except as herein provided.

36 4. No ordinance shall impose liability on the owner-lessor of a motor
37 vehicle when the vehicle is being permissively used by a lessee and is illegally
38 parked or operated if the registered owner-lessor of such vehicle furnishes the
39 name, address and operator's license number of the person renting or leasing the
40 vehicle at the time the violation occurred to the proper municipal authority
41 within three working days from the time of receipt of written request for such
42 information. Any registered owner-lessor who fails or refuses to provide such
43 information within the period required by this subsection shall be liable for the
44 imposition of any fine established by municipal ordinance for the
45 violation. Provided, however, if a leased motor vehicle is illegally parked due to
46 a defect in such vehicle, which renders it inoperable, not caused by the fault or
47 neglect of the lessee, then the lessor shall be liable on any violation for illegal
48 parking of such vehicle.

49 **5. No ordinance shall deny the use of commercial motor vehicles**
50 **on all streets within the municipality. For purposes of this section, the**
51 **term "route" shall mean any state road, county road, or public street,**
52 **avenue, boulevard, or parkway.**

387.040. 1. No motor carrier subject to the provisions of this chapter shall
2 engage or participate in the transportation of passengers [or household goods],
3 between points within this state, until its schedules of rates, fares and charges
4 shall have been filed **with the state highways and transportation**
5 **commission** and published in accordance with the provisions of this
6 chapter. Any motor carrier, which shall undertake to perform any service or
7 furnish any product or commodity unless or until the rates, tolls, fares, charges,
8 classifications and rules and regulations relating thereto, applicable to such
9 service, product or commodity, have been filed with the highways and
10 transportation commission and published in accordance with the provisions of
11 this chapter, shall be subject to forfeiture to the state pursuant to the provisions

12 of sections 390.156 to 390.176.

13 2. [Notwithstanding subsection 1 of this section, a motor carrier shall not
14 be required to file its schedules of rates, fares, and charges for shipments of
15 household goods that are transported wholly or exclusively within a commercial
16 zone as defined in 390.020 or within a commercial zone established by the
17 highways and transportation commission pursuant to the provisions of
18 subdivision (4) of section 390.041.] **Notwithstanding any provision of this**
19 **chapter or chapter 390 to the contrary, a motor carrier transporting**
20 **household goods in intrastate commerce shall not be required to file its**
21 **schedule of rates, fares, and charges with the state highways and**
22 **transportation commission. In lieu of filing its schedules of rates, fares,**
23 **charges, rules, or tolls with the state highways and transportation**
24 **commission, a motor carrier transporting household goods in intrastate**
25 **commerce shall maintain and publish its schedules of rates, fares,**
26 **charges, rules, and tolls in every station or office as described in**
27 **subsection 3 of section 387.050 and such rates shall be available for**
28 **inspection by the state highways and transportation commission,**
29 **shippers, and the public upon request. Any motor carrier transporting**
30 **household goods in intrastate commerce that fails to comply with the**
31 **provisions of this subsection shall be subject to forfeiture to the state**
32 **pursuant to the provisions of sections 390.156 to 390.176.**

 387.050. 1. Every motor carrier shall file with the [division of motor
2 carrier and railroad safety] **state highways and transportation commission**
3 and shall print and keep open to public inspection schedules showing the rates,
4 fares and charges for the transportation of passengers and household goods
5 within this state between each point upon its route and all other points thereon
6 and between each point upon its route and all points upon every route leased,
7 operated or controlled by it and between each point on its route or upon any route
8 leased, operated or controlled by it and all points upon the route of any other
9 motor carrier, whenever a through route and joint rate shall have been
10 established or ordered between any two such points. If no joint rate over a
11 through route has been established, the several carriers in such through route
12 shall file, print and keep open to public inspection, as aforesaid, the separately
13 established rates, fares and charges applied to the through
14 transportation. **Beginning August 28, 2012, motor carriers shall not be**
15 **required to file their schedules showing the rates, fares, rules, and**

16 **charges for the transportation of household goods within this state but**
17 **shall print and keep open for public inspection such schedules in**
18 **accordance with this section and section 387.040.**

19 2. The schedules printed as aforesaid shall plainly state the places
20 between which household goods and passengers will be carried, and shall also
21 contain the classification of passengers or household goods in force, and shall also
22 state separately all terminal charges, storage charges, icing charges and all other
23 charges which the [division] **state highways and transportation commission**
24 may require to be stated, all privileges or facilities granted or allowed, and any
25 rules or regulations which may in any way change, affect or determine any part
26 or the aggregate of such aforesaid rates, fares and charges, or the value of the
27 service rendered to the passenger, shipper or consignee.

28 3. Such schedules shall be plainly printed in large type, and a copy
29 thereof shall be kept by every such carrier readily accessible to and for convenient
30 inspection by the public in every station or office of such carrier where passengers
31 or household goods are respectively received for transportation, when such station
32 or office is in charge of an agent, and in every station or office of such carrier
33 where passenger tickets for transportation or tickets covering bills of lading or
34 receipts for household goods are issued. All or any of such schedules kept as
35 aforesaid shall be immediately produced by such carrier for inspection upon the
36 demand of any person.

37 4. A notice printed in bold type and stating that such schedules are on file
38 with the agent and open to inspection by any person and that the agent will
39 assist any such person to determine from such schedules any transportation rates
40 or fares or rules or regulations which are in force shall be kept posted by the
41 carrier in two public and conspicuous places in every such station or office.

42 5. The form of every such schedule shall be prescribed by the [division]
43 **state highways and transportation commission.**

44 6. The [division] **state highways and transportation commission**
45 shall have power, from time to time, in its discretion, to determine and prescribe
46 by order such changes in the form of such schedules as may be found expedient,
47 and to modify the requirements of this section in respect to publishing, posting
48 and filing of schedules either in particular instances or by general order
49 applicable to special or peculiar circumstances or conditions.

387.080. 1. The names of the several carriers which are parties to any
2 joint tariff shall be specified therein, and each of the parties thereto, other than

3 the one filing the same, shall file with the [division of motor carrier and railroad
4 safety] **state highways and transportation commission** such evidence of
5 concurrence therein or acceptance thereof as may be required or approved by the
6 [division] **state highways and transportation commission**; and where such
7 evidence of concurrence or acceptance is filed, it shall not be necessary for the
8 carriers filing the same also to file copies of the tariffs in which they are named
9 as parties. **The provisions of this subsection shall not apply to motor**
10 **carriers of household goods. Carriers of household goods participating**
11 **in through routes or interline service shall publish joint tariffs and**
12 **evidence of concurrence or acceptance thereof or individual tariffs for**
13 **each participating carrier in accordance with sections 387.040 and**
14 **387.050.**

15 2. Every motor carrier shall file with the [division] **state highways and**
16 **transportation commission** sworn copies of every contract, agreement or
17 arrangement with any other motor carrier or motor carriers relating in any way
18 to the transportation of passengers [or property].

19 3. **Motor carriers of household goods are prohibited from**
20 **participation in any joint tariff pursuant to the provisions of this**
21 **chapter, except that this subsection shall not prohibit joint tariffs**
22 **relating to joint rates for household goods transportation over any**
23 **through routes or by interline service performed by two or more**
24 **separate motor carriers.**

387.110. [1.] No motor carrier shall make or give any undue or
2 unreasonable preference or advantage to any person or corporation or to any
3 locality or to any particular description of traffic in any respect whatsoever, or
4 subject any particular person or corporation or locality or any particular
5 description of traffic, to any undue or unreasonable prejudice or disadvantage in
6 any respect whatsoever.

7 [2. Notwithstanding any other provision of law to the contrary, no
8 common carrier of household goods shall use any schedule of rates or charges, or
9 both, for the transportation of household goods within this state which divides
10 this state into territorial rate areas. Any schedule of rates or charges, or both,
11 which divides, or attempts to divide, this state into territorial rate areas is
12 unjust, unreasonable, and invalid.]

387.137. The state highways and transportation commission shall
2 **establish consumer protection requirements for motor carriers**

3 transporting household goods in intrastate commerce and establish a
4 system for filing, logging, and responding to consumer complaints.

387.139. 1. The division of motor carrier services shall keep an
2 information file about each complaint filed with it regarding the
3 movement of household goods in intrastate commerce. The division of
4 motor carrier service's information file shall be kept current and
5 contain a record for each complaint of:

- 6 (1) All persons contacted in relation to the complaint;
- 7 (2) A summary of findings in response to the complaint;
- 8 (3) An explanation of the reason for a complaint that is
9 dismissed; and
- 10 (4) Any other relevant information.

11 2. If a written complaint is filed with the division that is within
12 the division's jurisdiction, the division, at least as frequently as
13 quarterly and until final disposition of the complaint, shall notify the
14 complainant of the status of the complaint unless the notice would
15 jeopardize an ongoing investigation.

16 3. The state highways and transportation commission shall adopt
17 by rule a form to standardize information concerning complaints made
18 to the division of motor carrier services regarding the transportation
19 of household goods. The commission shall prescribe by rule
20 information to be provided to a person when the person files a
21 complaint with the division of motor carrier services.

22 4. The state highways and transportation commission shall
23 promulgate rules and regulations for the implementation and
24 administration of this section. Any rule or portion of a rule, as that
25 term is defined in section 536.010 that is created under the authority
26 delegated in this section shall become effective only if it complies with
27 and is subject to all of the provisions of chapter 536, and, if applicable,
28 section 536.028. This section and chapter 536 are nonseverable and if
29 any of the powers vested with the general assembly pursuant to chapter
30 536, to review, to delay the effective date, or to disapprove and annul
31 a rule are subsequently held unconstitutional, then the grant of
32 rulemaking authority and any rule proposed or adopted after August
33 28, 2012, shall be invalid and void.

387.207. 1. All rates, tolls, charges, schedules and joint rates fixed by the
2 [division] state highways and transportation commission with reference to

3 the transportation of passengers [or household goods] by motor carrier shall be
4 in force and shall be prima facie lawful, and all regulations, practices and
5 services prescribed by the [division] **commission** shall be in force and shall be
6 prima facie lawful and reasonable until found otherwise in a suit brought for that
7 purpose pursuant to the provisions of this chapter.

8 **2. All rates, tolls, charges, schedules, and joint rates published**
9 **in accordance with subsection 3 of section 387.050 with reference to the**
10 **transportation of household goods by motor carrier shall be in force**
11 **and shall be prima facie lawful, and all regulations, practices and**
12 **services prescribed by the state highways and transportation**
13 **commission shall be in force and shall be prima facie lawful and**
14 **reasonable until found otherwise in a suit brought for that purpose**
15 **pursuant to the provisions of this chapter.**

387.355. On August 28, 2012, all rate orders issued by the state
2 **highways and transportation commission or its predecessors affecting**
3 **the transportation of household goods by common carriers in intrastate**
4 **commerce, pursuant to the authority of any of the provisions in this**
5 **chapter or chapter 390, shall be vacated and set aside, but only to the**
6 **extent that those rate orders require or prescribe any minimum rates,**
7 **maximum rates, or minimum-and-maximum rates for the transportation**
8 **of household goods by common carriers in intrastate commerce. This**
9 **section shall not vacate or set aside any other requirements or**
10 **provisions contained in those rate orders.**

 390.051. 1. Except as otherwise provided in section 390.030, no person
2 shall engage in the business of a common carrier **of household goods or**
3 **passengers** in intrastate commerce on any public highway in this state unless
4 there is in force with respect to such carrier a certificate issued by the [division]
5 **state highways and transportation commission** authorizing such operations.

6 2. Application for a certificate shall be made in writing to the [division]
7 **state highways and transportation commission** and shall contain such
8 information as the [division] **state highways and transportation**
9 **commission** shall, by rule, require and shall include:

10 (1) Full information concerning the ownership, financial [condition]
11 **status of applicant through the submission of documentation describing**
12 **assets, liabilities, and capital**, equipment to be used and a statement listing
13 the physical equipment of applicant and the reasonable value thereof;

14 (2) The complete route or routes over which the applicant desires to
15 operate, or territory to be served; **except that the state highways and**
16 **transportation commission shall not restrict any certificate or permit**
17 **authorizing the transportation of household goods or passengers with**
18 **reference to any route or routes; except that the state highways and**
19 **transportation commission shall restrict the applicant's registration**
20 **against the transportation of any hazardous material as designated in**
21 **Title 49, Code of Federal Regulations, if the state highways and**
22 **transportation commission finds that the applicant has not shown it is**
23 **qualified to safely transport that hazardous material in compliance**
24 **with all registration, liability insurance, and safety requirements**
25 **applicable to the transportation of that hazardous material pursuant**
26 **to Title 49, Code of Federal Regulations;**

27 (3) The proposed rates, schedule or schedules, or timetable of the
28 applicant.

29 3. [Except as provided for in subsection 4 of this section, if the division]
30 **If the state highways and transportation commission** finds that an
31 applicant seeking to transport [general and specialized commodities in truckload
32 lots, agricultural commodities in bulk in dump trucks] **household goods or**
33 **passengers [in charter service]** is fit, willing and able to properly perform the
34 service proposed and to conform to the provisions of this chapter and the
35 requirements, rules and regulations of the [division] **state highways and**
36 **transportation commission** established thereunder, a certificate therefor shall
37 be issued.

38 4. [If the division finds that an applicant seeking to transport:

- 39 (1) General and specialized commodities in less-than-truckload lots;
40 (2) Commodities in bulk in dump trucks, other than agricultural
41 commodities in bulk in dump trucks, as defined in section 390.020;
42 (3) Mobile homes;
43 (4) Household goods;
44 (5) Passengers other than in charter service;
45 (6) Gasoline, fuel oil or liquefied petroleum gas;
46 (7) Boats; is fit, willing and able to properly perform the service proposed,
47 and to conform to the provisions of this chapter and the requirement, rules and
48 regulations of the division, and that the service proposed will serve a useful
49 present or future public purpose, a certificate therefor specifying the service

50 authorized shall be issued, unless the division finds on the basis of evidence
51 presented by persons objecting to the issuance of a certificate that the
52 transportation to be authorized by the certificate will be inconsistent with the
53 public convenience and necessity.

54 5. In making findings under subsection 4 of this section, the division shall
55 consider the testimony of the applicant, the proposed users of the service
56 contemplated by the applicant, and any other relevant testimony or evidence, and
57 the division shall consider, and to the extent applicable, make findings on at least
58 the following:

59 (1) The transportation policy of section 390.011; and

60 (2) The criteria set forth in this subsection. In cases where persons object
61 to the issuance of a certificate, the diversion of revenue or traffic from existing
62 carriers shall be considered.

63 6.] The [division] **state highways and transportation commission**
64 shall streamline and simplify to the maximum extent practicable the process for
65 issuance of certificates to which the provisions of this section apply. **The state**
66 **highways and transportation commission is authorized to enter into**
67 **interagency agreements with any entity created and operating under**
68 **the provisions of section 67.1800 to 67.1822 to deal with any public**
69 **safety issues that may arise as a result of the provisions of this section.**

70 [7.] 5. The [division] **state highways and transportation**
71 **commission** shall dismiss on its motion any application for substantially the
72 same common [or contract] authority that has been previously denied within six
73 months of filing the subsequent application.

390.054. Beginning August 28, 2012, and continuing thereafter, no
2 **certificate or permit to transport household goods in intrastate**
3 **commerce shall be issued or renewed unless the applicant demonstrates**
4 **that the applicant has workers' compensation insurance coverage that**
5 **complies with chapter 287, for all employees. If any household goods**
6 **carrier subject to the provisions of this chapter or chapter 387 is found**
7 **by the division of workers' compensation to be out of compliance with**
8 **chapter 287, the division shall report such fact to the state highways**
9 **and transportation commission. The commission shall suspend the**
10 **household goods carrier's certificate or permit pursuant to section**
11 **390.106 until such time as the carrier demonstrates that it has procured**
12 **workers' compensation insurance coverage that complies with chapter**

13 **287.**

 390.061. 1. Except as otherwise provided in section 390.030, no person
2 shall engage in the business of a contract carrier **of household goods or**
3 **passengers** in intrastate commerce on any public highway in this state unless
4 there is in force with respect to such carrier a permit issued by the [division of
5 motor carrier and railroad safety] **state highways and transportation**
6 **commission** authorizing such operations.

7 2. Applications for such permits shall be made to the [division] **state**
8 **highways and transportation commission** in writing and shall contain such
9 information as the [division] **state highways and transportation**
10 **commission** shall, by rule, require and shall include:

11 (1) Full information concerning the ownership, financial [condition]
12 **status** of applicant **through the submission of documentation describing**
13 **assets, liabilities, and capital**, equipment to be used and a statement listing
14 the physical equipment of applicant and the reasonable value thereof;

15 (2) The complete route or routes over which the applicant desires to
16 operate, or territory to be served; **except that the state highways and**
17 **transportation commission shall not restrict any certificate or permit**
18 **authorizing the transportation of household goods or passengers with**
19 **reference to any route or routes; except that the state highways and**
20 **transportation commission shall restrict the applicant's registration**
21 **against the transportation of any hazardous material as designated in**
22 **Title 49, Code of Federal Regulations, if the state highways and**
23 **transportation commission finds that the applicant has not shown it is**
24 **qualified to safely transport that hazardous material in compliance**
25 **with all registration, liability insurance, and safety requirements**
26 **applicable to the transportation of that hazardous material pursuant**
27 **to Title 49, Code of Federal Regulations.**

28 3. If the [division] **state highways and transportation commission**
29 shall find that the applicant is seeking to transport [general and specialized
30 commodities in truckload lots, agricultural commodities in bulk,] **household**
31 **goods** or passengers [in charter service], and is fit, willing and able to properly
32 perform the service proposed and to conform to the provisions of this chapter and
33 the requirements, rules and regulations of the [division] **state highways and**
34 **transportation commission** thereunder, a permit therefor shall be issued.

35 4. [If the division finds that an applicant seeking to transport

36 commodities or passengers as described in subsection 4 of section 390.051 is fit,
37 willing and able to properly perform the service proposed, and to conform to the
38 provisions of this chapter and the requirements, rules and regulations of the
39 division, and that the service proposed will serve a useful present or future
40 purpose, a permit therefor specifying the service authorized shall be issued,
41 unless the division finds on the basis of evidence presented by persons objecting
42 to the issuance of a permit that the transportation to be authorized by the permit
43 will be inconsistent with the public convenience and necessity.

44 5.] Any permit issued under this section shall specify the service to be
45 rendered, the contracting parties, and the points or area to be served.

46 [6.] 5. The [division] **state highways and transportation**
47 **commission** will not have jurisdiction over contract rates. A copy of the original
48 contract must be filed with the [division] **state highways and transportation**
49 **commission** prior to issuance of a permit. In the event the applicant chooses not
50 to disclose contract rates in the application, the contract shall contain in lieu of
51 rates a specific provision which incorporates by reference a schedule of rates, in
52 writing, to be effective between carrier and shipper. Current contracts and rate
53 schedules must be maintained by the carrier and contracting shippers. A contract
54 permit, authorizing the transportation of [commodities] **household goods** or
55 passengers [other than as described in subsection 4 of section 390.051], may be
56 amended to include additional contracting parties by the filing of said contracts
57 with the [division] **state highways and transportation commission** and
58 acknowledgment by the [division] **state highways and transportation**
59 **commission**.

60 6. The **state highways and transportation commission** is
61 **authorized to enter into interagency agreements with any entity**
62 **created and operating under the provisions of section 67.1800 to 67.1822**
63 **to deal with any public safety issues that may arise as a result of the**
64 **provisions of this section.**

390.116. 1. Common carriers of [property] **household goods** may
2 establish reasonable through routes **or interline service** and joint rates,
3 charges and classifications with other such carriers or with common carriers by
4 railroad or express; and common carriers of passengers may establish reasonable
5 through routes and joint rates, fares or charges with other such carriers or with
6 common carriers by railroad. In case of such joint rates, fares, charges or
7 classifications, it shall be the duty of the **participating** carriers[, parties

8 thereto,] to establish just and reasonable regulations and practices in connection
9 therewith, and just, reasonable and equitable divisions thereof as between the
10 carriers participating therein which shall not unduly prefer or prejudice any of
11 such participating carriers **and shall not result in any rate, fare, charge,**
12 **classification, regulation, or practice that is unjust or unreasonable to**
13 **the shipper or receiver of the household goods. Carriers of household**
14 **goods participating in through routes or interline service shall publish**
15 **joint tariffs and evidence of concurrence or acceptance thereof, in**
16 **accordance with section 387.080, or individual tariffs for each**
17 **participating carrier, which shall set forth the joint or individual rates,**
18 **fares, charges, classifications, regulations, practices, and division of**
19 **rates applicable to such through routes or interline service, all in**
20 **accordance with the applicable provisions in chapter 387.**

21 2. The [division] **state highways and transportation commission**
22 may, whenever deemed by it to be necessary or desirable in the public interest,
23 after hearing, upon complaint or upon its own motion, order the establishment
24 of just and reasonable through routes and joint rates, fares, charges, regulations
25 or practices, applicable to the transportation of passengers [or property] by
26 common carriers.

390.280. 1. Certificates or permits, or both, which were issued before
2 January 1, 1995, and which authorized a person to transport any property in
3 intrastate commerce by motor vehicle as a common carrier or contract carrier, or
4 both, are void, except that to the extent such certificates or permits, or portions
5 thereof, authorized a person to transport household goods over irregular routes
6 or passengers in intrastate commerce, or any property or passengers in interstate
7 commerce, those certificates or permits, or portions thereof, are exempt from the
8 provisions of this subsection.

9 2. Persons who owned certificates or permits, or both, that were in active
10 status with the division on December 31, 1994, and persons to whom the division
11 issued certificates and permits after December 31, 1994, pursuant to emergency
12 rules adopted by the division, are deemed to be qualified as registered property
13 carriers, unless the person's certificate or permit has been suspended, revoked or
14 transferred to another person as provided by law. A person deemed qualified
15 pursuant to this subsection is not required to file an application pursuant to
16 section 390.290 to continue providing intrastate transportation as a registered
17 property carrier, but rather, upon such person's compliance with the licensing and

18 insurance requirements of the division the person is deemed to have a property
19 carrier registration in force as required pursuant to section 390.270, authorizing
20 the person to transport property except household goods in intrastate commerce
21 on the public highways, unless the person's property carrier registration is
22 suspended, revoked or transferred to another person as provided by law. Within
23 a reasonable time after August 28, 1996, the division shall issue property carrier
24 registrations to all persons who are deemed to be qualified as registered property
25 carriers and deemed to have property carrier registrations in force pursuant to
26 this subsection.

27 3. Notwithstanding any provision of this section to the contrary, this
28 section shall not be construed as authorizing any person to transport any
29 hazardous material as designated in Title 49, Code of Federal Regulations, except
30 hazardous materials which that person was expressly authorized to transport in
31 intrastate commerce within this state on August 28, 1996. A person may file an
32 application for property carrier registration pursuant to section 390.290 to
33 transport additional hazardous materials. Nothing in this section shall be
34 construed to conflict with chapter 260, or of relieving an applicant of any duty to
35 obtain a license pursuant to chapter 260.

36 4. **Notwithstanding any provision of the law to the contrary, any**
37 **geographic restriction or provision limiting the carrier's scope of**
38 **authority to particular routes within this state contained in a**
39 **certificate or permit, or both, authorizing the transportation of**
40 **household goods in intrastate commerce, which was issued prior to**
41 **August 28, 2012, and any similar provision contained in a carrier's tariff**
42 **schedule filed prior to such date, shall be deemed void. In lieu of the**
43 **geographic restrictions expressed in such certificates, permits, or tariff**
44 **schedules, a motor carrier shall be authorized to provide intrastate**
45 **transportation of household goods between all points and destinations**
46 **within the state until such time as the certificates, permits, and tariff**
47 **schedules are reissued or amended to reflect the motor carrier's**
48 **statewide operating authority. Nothing contained in the provisions of**
49 **sections 390.051 to 390.116 shall be construed to exempt or to alter the**
50 **obligation of compliance by carriers transporting passengers**
51 **point-to-point within the jurisdiction described in 67.1802 from the**
52 **provisions of sections 67.1800 to 67.1822.**

537.292. 1. Notwithstanding any other provision of law to the

2 **contrary, the use of motor vehicles on a public street or highway in a**
3 **manner which is legal under state and local law shall not constitute a**
4 **public or private nuisance, and shall not be the basis of a civil action**
5 **for public or private nuisance.**

6 **2. No individual or business entity shall be subject to any civil**
7 **action in law or equity for a public or private nuisance on the basis of**
8 **such individual or business entity legally using motor vehicles on a**
9 **public street or highway. Any actions by a court in this state to enjoin**
10 **the use of a public street or highway in violation of this section and**
11 **any damages awarded or imposed by a court, or assessed by a jury,**
12 **against an individual or business entity for public or private nuisance**
13 **in violation of this section shall be null and void.**

14 **3. Notwithstanding any other provision of law to the contrary,**
15 **nothing in this section shall be construed to limit civil liability for**
16 **compensatory damages arising from physical injury to another human**
17 **being.**

Section B. The repeal and reenactment of section 302.700 and the
2 enactment of section 302.768 of this act shall become effective on the date the
3 director of the department of revenue begins accepting commercial driver license
4 medical certifications under sections 302.700 and 302.768, or on May 1, 2013,
5 whichever occurs first. If the director of revenue begins accepting commercial
6 driver license medical certifications under sections 302.700 and 302.768 prior to
7 May 1, 2013, the director of the department of revenue shall notify the revisor of
8 statutes of such fact.

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